



WEMMH SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it contains a valid OMB control number.

*AFS/ZWW***NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

4002-2643

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.89(a)]

May 9, 2005

Date

Signature

Timothy N. Thomas

Typed or Printed Name

In re Application of

Hai H. Trieu

Application Number

09/943,441

Filed

August 30, 2001

For

INTERVERTEBRAL DISC IMPLANT AND METHODS

Art Unit

3738

Examiner

Alvin J. Stewart

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is [37 CFR 41.20(b)(1)]:

\$ 500

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

Signature

Timothy N. Thomas

Type or Printed Name

attorney or agent of record.

Registration Number: 35,714

(317) 634-3456

Telephone Number

attorney or agent acting under 37 CFR 1.34. Registration Number if acting under 37 CFR 1.34: _____

May 9, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required (see below*).

*Total of 1 forms are submitted.

05/12/2005 MAHMED1 00000032 09943441

01 FC:1401

500.00 DP

TNT.bkp.344486

Page 1 of 1

Atty. Docket 4002-2643